

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ANTHONY BECK,

Plaintiff,

v.

C.O. BECKLY, *et al.*,

Defendants.

No. 4:24-CV-02247

(Chief Judge Brann)

**ORDER**

**AND NOW**, this 16<sup>th</sup> day of June 2025, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. Plaintiff's Eighth Amendment failure-to-protect or failure-to-intervene claims against defendants Emigh, McMan, and Lt. Harlow are **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief may be granted.
2. Plaintiff's First Amendment retaliation claims against defendants Emigh, McMan, Frisco, Sgt. Fleck, and Lt. Harlow are **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief may be granted.
3. Plaintiff's request (Doc. 1) for a preliminary injunction is **DISMISSED** as moot.
4. The Clerk of Court is directed to add "C.O. Gailey" as a defendant in this case.<sup>1</sup> The Clerk of Court is further directed to rename CM/ECF Document 6 as Plaintiff's "Complaint."

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<sup>1</sup> See Doc. 1 at p. 1; Doc. 6 ¶ 10.

5. Plaintiff, if he desires, may file an amended complaint in accordance with the accompanying Memorandum within 21 days of the date of this Order.
6. If no amended complaint is timely filed, this case will proceed on the following Section 1983 claims only: (1) Eighth Amendment excessive force against Beckly, Michaels, Diel, Gailey, Frisco, and Sgt. Fleck; and (2) First Amendment retaliation against Beckly, Micheals, Diel, and Gailey.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann

Chief United States District Judge